

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Akihiko Shimasaki et al.

Application No.: 10/810,630

Confirmation No.: 9861

Filed: March 29, 2004

Art Unit: 1712

For: COATING COMPOSITION AND ARTICLE
COATED THEREWITH

Examiner: Michael J. Feely

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated August 29, 2007 and further to our Response to Restriction Requirement dated June 22, 2007, Applicants provisionally elect sub-species

Bi-Sb for the group (i) corrosion inhibitor, and
magnesium L-ascorbyl phosphate for the group (iii) corrosion inhibitor,
with traverse for continued examination.

Please note that Applicant reserves the right to file divisional applications covering the subject matter of the non-elected claims. Applicant also reserves the right to rejoin any applicable non-elected claims.

Applicants traverse the Restriction Requirement since the examination of the claims of Groups (i)~(iii) poses no undue burden on the Examiner. Under §803 of the Manual of Patent Examining Procedure, if the search and examination of an entire application can be made without serious burden, the Examiner **must examine it on the merits, even though it includes claims to independent or distinct inventions.** Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden (see MPEP §803 in

which it is stated that “*if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions*”) **Epecially this instant application is in a Markush-type claim. Therefore, MPEP § 803.02 Markush Claims is specifically to be applied to this case.**

It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. KPC-0307 from which the undersigned is authorized to draw.

Date: September 7, 2007

By: /Tomoko Nakajima/
Tomoko Nakajima
Registration No. L0231 (Limited Recognition)
RADER, FISHMAN & GRAUER, PLLC
1233 20th Street, N.W., Suite 501
Washington D.C. 20036
Tel: 202-955-3750
Fax: 202-955-3751
Customer No. 23353